

**City Council Regular Session
December 12, 2022**

The City Council of the City of Elizabeth City met in regular session on Monday, December 12, 2022 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor E. Kirk Rivers
Mayor Pro Tem Kem Spence
Councilman Johnson Biggs
Councilman Joe Peel
Councilman Jarvis Gibbs
Councilwoman Rose Whitehurst
Councilwoman Barbara Baxter
Councilman Johnnie Walton

MEMBERS ABSENT: Councilwoman Katherine Felton

OTHERS PRESENT: City Manager Montre' Freeman
City Attorney Bill Morgan
Interim Electric Department Bob Vannoy
Interim Chief of Police J. Phillip Webster
Deputy Chief of Police James Avens
Human Resources Director Montique McClary
Finance Director, Alicia Steward
Fire Chief Chris Carver
ECDI Director Debbie Malenfant
Public Utilities Director Dwan Bell
Assistant Public Utilities Director Ryan Howell
Parks and Recreation Director Sean Clark
Parks and Recreation Superintendent Darris Sawyer
Community Development Director Kellen Long
Grants Management Specialist Jon Hawley
IT Director Matthew Simpson
IT Systems Analyst Pedro Holley II
City Clerk April Onley

The City Council regular session was called to order by Mayor Kirk Rivers at 7:00 p.m. Mayor Rivers welcomed everyone to the meeting and recognized Mayor Pro Tem Spence to give the invocation. Councilwoman Whitehurst led the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Rivers requested that the discussion of the water/sewer rates (8C) be removed from the Regular Agenda, and added an update on utility policies in its place. Mayor Rivers also removed item 8B – Enterprise Fleet from the Regular Agenda, and noted that discussion would come back in January. He added a closed session for discussion of land acquisition, as allowed by NCGS 143-318-11(a)(5).

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Johnson Biggs to approve the agenda as amended. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Baxter, and Walton. Against: None. Motion carried.

2. Mayoral Recognition:

a. ECDI / Grand Illumination;

Mayor Rivers recognized members of ECDI for their holiday events, particularly the Grand Illumination, which had been more successful than ever this year. The ECDI board thanked the Mayor and Council for the recognition and their support. They noted that the downtown area has done a 180 in recent years and they credited Debbie Malenfant as a game changer in the organization. The downtown area used to be desolate in the evenings and now it's vibrant

thanks to the board’s hard work. They said they’re proud of where we’re at and where we’re going.

b. Department of the Month – Finance;

Mayor Rivers recognized Alicia Steward, Latoya Harper, Hashim Harper, Jon Hawley, Brian Lewis and Bryanna Byrd as members of the Finance Department who have worked long hours and lots of overtime in the last few months making sure our information gets to the auditors. He explained that Mr. Hawley, our Grants Administrator also falls under Finance, as well as the Electric / Customer Service department, so there were a lot of moving pieces.

c. Department Head of the Month – Alicia Steward;

Mayor Rivers commended Alicia’s great spirit and tone, even though she was working many hours with an inherited problem. Manager Freeman also thanked the team and their integrity and enthusiasm. Mrs. Harper noted they’d spent many long hours and identified deficiencies, but they were going to bring it back better from that. Alicia thanked the Council for recognizing the Finance Department. She said they are the engine in the car that may not be seen from the outside, but they are responsible for making it go. She offered encouragement to her team and said that soon the long hours they were working would be at an end.

d. Recognition of Upcoming Employee Retirements;

Mayor Rivers noted that we have two long-time employees who would be retiring soon, Randy Ingram and Ricky Albertson. Ricky has 35 years of service with the City and Mr. Ingram has 19 years of service. They’ll both be retiring from the electric department.

3. Comments from the Public:

Mayor Rivers inquired of the Clerk whether there were any persons present who wished to speak before the Council. Upon the Clerk’s reply that there was one, Mayor Rivers requested that they be called to the podium to speak.

Bill Blake – 1403 Parkview Drive, Elizabeth City, NC - Mr. Blake advised that he was the executive director of the Albemarle Area United Way. He said he’d like to share an update on the COVID funds that were allocated for the United Way, which were exhausted as of Thanksgiving. \$454,060.95 was used as direct assistance for those in need. Over the 20 months the program was in effect, many of the checks written went directly to the City of Elizabeth City to pay utilities for those in need. Through Jon Hawley’s assistance, the Council and Commissioners agreed to a joint resolution to assist both city and county citizens. In total, 303 households / clients were helped, with 208 of those households identifying as African American, two Hispanic, two Asian, one mixed race, and the remainder were Caucasian. Mr. Blake said that citizens are still in need and they will continue to provide assistance through their regular community care collaborative program, and if there’s any way the Council can find funds to help assist the citizens, the AAUW stands alongside them and will help in any way they can.

4. Consent Agenda:

Mayor Rivers read the Consent Agenda items into the record, as follows:

a. Consideration – Council Calendar for 2023;

Date	Time	Meeting
January 9, 2023	7:00 p.m.	Regular Meeting
January 23, 2023	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
February 13, 2023	7:00 p.m.	Regular Meeting
February 27, 2023	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
March 13, 2023	7:00 p.m.	Regular Meeting
March 27, 2023	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
April 10, 2023	7:00 p.m.	Regular Meeting
April 24, 2023	5:30 p.m.	Work Session

	7:00 p.m.	Regular Meeting
May 8, 2023	7:00 p.m.	Regular Meeting
May 22, 2023	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
June 12, 2023	7:00 p.m.	Regular Meeting
June 26, 2023	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
July 10, 2023	7:00 p.m.	Regular Meeting
August 14, 2023	7:00 p.m.	Regular Meeting
August 28, 2023	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
September 11, 2023	7:00 p.m.	Regular Meeting
September 25, 2023	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
October 9, 2023	7:00 p.m.	Regular Meeting
October 23, 2023	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
November 13, 2023	7:00 p.m.	Regular Meeting
November 27, 2023	5:30 p.m.	Work Session
	7:00 p.m.	Regular Meeting
December 11, 2023	7:00 p.m.	Regular Meeting

b. Consideration – Accept Resolution for E. Burgess Street Maintenance;

**Resolution # 2022 –12-01
Resolution by the City of Elizabeth City
Reassuming Maintenance of a Formerly State-Maintained Roadway
from NCDOT**

WHEREAS, on May 10, 2010, the City Council adopted resolution #1052 after being notified by the North Carolina Department of Transportation that certain improvements were required on East Burgess Street from Poindexter Street to the Pasquotank River to support the closure of North Water Street in conjunction with the Elizabeth Street (Highway 158) reconstruction project; and

WHEREAS, from the time of transfer, NCDOT made the required improvements at no cost to the City, and maintenance responsibilities of the roadway were added to NCDOT’s Secondary Road System; and

WHEREAS, as outlined in resolution #1052, the Elizabeth Street reconstruction project has reached completion and maintenance of the aforementioned roadway shall be transferred back to the City’s road system.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Elizabeth City that East Burgess Street from Poindexter Street to the Pasquotank River shall hereby be returned to the City’s roadway maintenance plan and removed from NCDOT’s Secondary Road System

ADOPTED, this the 12th day of December 2022.

E. Kirk Rivers
Mayor

April D. Onley
City Clerk, NCCMC

c. Consideration — Approve Budget Amendment for Emergency Management Grant Capital Projects;

**AMENDMENT TO APPROVED FISCAL YEAR 2023 BUDGET
CITY OF ELIZABETH CITY
ORDINANCE #2022-12-01**

BE IT ORDAINED by the City Council of the City of Elizabeth City, North Carolina:

SECTION I. To amend the approved budget for fiscal year 2023, the appropriations are to be changed as follows:

Account #	Account Name	Decrease	Increase
10-6620-5893	CDBG-CV Expenses		\$596,000
	Total		\$596,000

Section II. To amend the Capital Project Ordinance, the estimated revenues are to be changed as follows:

Account #	Account Name	Decrease	Increase
10-3490-3100	CDBG-CV Grant		\$596,000
	Total		\$596,000

ADOPTED, this 12th day of December, 2022.

E. Kirk Rivers
Mayor

Attest:

April Onley, NCCMC
City Clerk

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Joseph Peel to approve the consent agenda. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Baxter and Walton. Against: None. Motion carried.

5. Regular Agenda:

a. Any Item Pulled from the Consent Agenda

There were no items pulled from the Consent Agenda.

b. Discussion / Consideration – Enterprise Fleet *(Removed from the Agenda During Agenda Adjustments);*

c. Discussion – Water/Sewer Rates *(Removed During Agenda Adjustments and Replaced with Discussion on Utility Policies);*

Mayor Rivers advised that Sharon Edmundson from the State Treasurer's Office would be providing the Council with a presentation, accompanied by Susan McCullen, David Erwin, and Natalie Roundtree. Mrs. Edmundson said there's an issue with the City that they are concerned about, which is that utility billing collections are not where they should be. There's too much time allowed to pay and we are too lenient with our cut-offs. She said we are collecting enough money to pay the bills, but there's nothing left over. It's critical that we have money available to repair infrastructure and we do not have the funds to do that. There is no active capital improvement plan that details any of this, but that will be another discussion. She explained that utility bills are in four cycles of about 30 days, which is normal. They are not certain we need four cycles, but that's another discussion and not of the utmost importance at this time. The City provides notice to customers before they're disconnected, which is not necessary. She said that customers do not need to be reminded of their impending disconnections, and it's an added expense we should not be incurring. When the cut-off date arrives, customers should be disconnected or other arrangements made. She noted that "other arrangements" appears to have a variety of meanings, which must stop or be standardized. She explained that as far as agreements go, customers with balances below \$500 must be given no more than three months while remaining current on their current bills to pay. If they fall behind on their payment plans, the entire balance should become due at once. All payment plans should be in writing and signed by a supervisor. Existing payment plans can be grandfathered in, but if they don't stay current, their services should be terminated. Customers should not be allowed to be on a payment plan more than once every three years. Deposits should be for two months' worth of utilities. She said our current deposit rates are way too low. Deposits may be returned after a period of good customer credit of at least two years, but they would prefer if we held them longer. She opined that with the number of rental accounts we have in the city, may want to look into a rental policy deposit.

She pointed out that the City over-accommodates customers who have written a bad check. We are not required to notify them because the bank does that. "It takes staff time and energy that is not necessary." She noted that we do have a requirement that they must pay in cash or certified check after the bad check, which is good. For medical issues, customers must have a note on file from a doctor, which is reviewed annually. Private nonprofits can assist those who cannot pay their bills. "The City is not a charity and cannot operate like one." She said that the City must run our utility like a business and we're not doing that. "By not collecting what's owed, we're running our utility on the back of those who pay on time. We are not generating the cash needed to repairs and we could if we did what we were supposed to do. The board must make these changes." She said they are officially instituted a requirement that a revised collections policy be created by the end of January 2023, and adopted by the end of March 2023.

Additionally, the entire fee structure needs to be looked at annually as part of the budget process. She directed the Council to have a rate study done by the environmental center who will do it for free. Once the long range study is complete, the board must adopt the recommended changes. Water, sewer and electricity are key elements and must be operated like businesses.

Councilman Walton said sometimes it's easy to look down and make statements that people cannot handle. Things need to be done inside where the internal customers, the workforce are because they know the demographics and the history of where we are and how we got there. The United Way person gave us outrageous numbers of people who needed help. "It's easy to make policies if you're not affected by them." He said he didn't know if we'd have enough time to comply by January for our workforce. He stated that we'd need to consider what we're doing so it's fixable and not just put extra burden on people.

Mrs. Edmundson said she understood his concerns but the system is "running on fumes". Councilman Walton said he knew that, and the LGC was supposed to be helping us get it back on top. Mrs. Edmundson said that's what we're doing. "These are things that have to be fixed. I understand there are people that will struggle, but the city cannot be the charity that helps everyone. There are other groups for that."

Councilman Walton asked why are we going to put more on people who can't afford if anyway? Some people can't pay things at certain times of the month. Mrs. Edmundson said she would not be opposed to people changing billing cycles, as we have different cycles available right now. Councilman Walton noted there's a lot of things we can do better, but just telling someone "if you don't pay if we'll cut you off" doesn't feel like the best course of action. He opined that we have to have more choices and options. Mrs. Edmundson replied that "you cannot continue to provide services to people who are not paying."

Councilman Biggs said, "I don't know how our billing cycles work. Are they determined by the address?" Ms. Steward confirmed that it was. Councilman Biggs suggested that maybe we can look into allowing cycle changes if that's not something we already do. "I don't disagree with us having to run this as a business. I've heard from staff that our policies are not up to where they should be. The low amount of deposit that's required lets people easily walk away. Water is \$10 and electric is \$200. You can walk away and we're stuck holding the bag. I know the bills got out of hand during the conversion and COVID. I don't know if we need to look at maybe a step approach to some of this. I would love to have these recommendations in writing. I just don't want to slam everyone right out of the gate, especially during a peak usage system in the winter if we have to turn this in in January. I do disagree with not notifying our customers of being disconnected. I think we need to continue to notify them that they're being disconnected. I would not want my utilities disconnected if my check was lost in the mail. Maybe we could even do a better job of notifying people, and I understand that takes some staff time, but that's a needed customer service item." He said he agreed that the fee structure needs to be looked at and the number of days there.

Mayor Rivers stated that he would like this item to appear on the January work session so everyone has time to discuss and consider what's being suggested here. He said he'd have the manager send out the recommendations. He noted that the Council did have the water and sewer rates on this agenda previously, and this Council did indicate from the beginning that they were interested in raising those rates. There was a study from 2020 from Raftelis and this Council has inherited the recommendations that were passed and not upheld. "I want to make sure our citizens understand that this is a perfect storm that happened in terms of the Tyler conversion and COVID. Our reserves began going down with the conversion and we could not accurately bill the citizens. That Council chose to go nearly nine months giving extensions. Then COVID happened and the Governor ordered that no one be disconnected, which almost put the City in a place where we were out of funds. Former manager Olson and the Council made the decision to request a waiver from the Governor's order to allow the City to move forward with cut-offs. But because of the high bills, we had to do a lot of payment agreements and ended up carrying a large amount of money for a significant period of time. Our decisions now are to make sure that we put the city on solid financial ground."

Councilwoman Whitehurst noted that about 20% of our population live below the poverty level. Another 10-15% live right at the poverty level. She said she felt there was going to be a challenge with those facts and being hard-nosed about the policy. She suggested looking at grants and making sure we know the other agencies and resources in the area who provide assistance to direct customers to if they need help. She stated that she supported running things like a business, but felt it was important to have connections with other agencies who can help these people because we have a unique population here compared to the rest of the state.

Mrs. Edmundson recommended having Raftelis update the 2020 study instead of starting all over. She explained that with rate structure, there is a way to keep bills low for people who may not use a lot of water or who have very few people in the household. The burden should be put on those who use the most. She pointed out that it won't help everyone, but it will help some.

Councilman Peel suggested that we do not wait until the second meeting of January, but we should have a special work session in January so we're not waiting until the end of the month to discuss this if we need to have something adopted by the end of the month.

Mayor Pro Tem Spence said he had a few issues with the presentation. He felt this should have been something that the Council was notified of before the meeting. "This could have

been forwarded to us before the meeting. The City has to work as a business, but there is such a thing as good business. We do have to tighten up on some of the customers, but we can't just say on the 1st of the month, no warnings, it's done. We have to give people notice and let people get acclimated. I know we are in a bind. These issues didn't just start yesterday. We're not going to fix it in two months. I appreciate the team that's here and I don't know where we'd be if you weren't here. But to come in and say we have to be that hard on people, I think we need to practice good business as well. Some of these people can't help themselves. We hold the ones accountable if they're abusing the system, but not the other ones."

Mrs. Edmundson stated that they're not asking for the policy to be implemented until March. "We don't have any issue with your current cycle. You give a due date and another week until disconnection and that's fine. What we're asking is that actually be enforced because it's not being enforced uniformly."

Councilman Walton said he recalled that a few years ago, we have \$400,000 in reconnection fees in our budget. That's the same people being cut off and cut on. Rules may make it better for some and worse for others. He requested that Mrs. Edmundson provide the Council with a copy of the recommendations she read to the Council this evening. Ms. Edmundson said she would provide it to them.

Councilman Biggs asked if the LGC could help assist with connecting us to other resources available and how other municipalities of similar size are crafting a collection system with a humanitarian side to it. He agreed that we want to run an efficient system and we understand that we have to do that, but we also have to do it in a sense that we're treating the lowest of our community with dignity. He reiterated that's why he asked about a stepped-in approach or a phased-in approach. Maybe we can get some of our team involved with the nonprofits to better utilize those resources in our community. Mrs. Edmundson confirmed that they would be glad to help with that.

Councilman Gibbs noted that it's a proven fact that other entities have limited resources as well. River City's money will dry up and Social Security's money will dry up. He stressed the importance of never looking down on people. There are people within the system that are misusing and abusing the system and there's a paper trail that we can find those people, but there's a difference between those people and a senior citizen who is choosing between buying medicine and keeping their lights on. We have to care about our people. He said he believed that if we do this the right way, it will all work out. He agreed that we do need to tighten up, but we can't do a full-on hard ball approach. We have to do it with compassion and heart.

Councilman Peel asked Manager Freeman to send a copy of the current procedures to the Council and as Mrs. Edmundson sends over information, to please forward that to the Council as well.

d. Update – City's Financial Status;

Ms. Steward thanked the Council for allowing the LGC coach team and the bookkeepers to come in and assist. She advised that she'd spoken with PB Mares who told her she only had a few more questions in terms to the audit. The major item remaining is the fixed assets, which the Greg Isley team is working on. A discussion and analysis form should be going to her and the manager by the end of the week. She meets with the Greg Isley team every Thursday for an update on status and to provide anything that they may need. Auditors have also asked for contracts / agreements with customers, which have been sent over, as well as Powell Bill info. Our staff is also working on FY 2022 reconciliation items, and they only have one item left. New processes are being implemented where needed. This time last year, our bank reconciliations were behind 15 months; and this year, we are current to October 2022. She added that we are also working on FY 2023 now to keep everything current so they don't have to work this many hours forever.

Mayor Rivers stated that he wanted all of Council to be aware of the email sent from PB Mares. Mr. Freeman said the company said they were extremely impressed with the team and how quickly they've been responding to emails and returning information. These firms "grade" you in how well and how quickly you're able to get things to them. They sent an email letting everyone know that our team was responsive, professional and they were impressed with them.

Assistant Finance Director Lewis advised that 2022 FY reconciliations are finished. Items prior to October are finished aside from about 20 items. He explained that reconciliations are not just looking at your bank statements; you have to verify where everything goes on the statement and that everything is appropriated to the right fund or account. Our Finance Department receives funds from state and federal sources as well. On a daily basis, they may see up to 50 transactions or more and have to make sure that the deposit that goes to the bank is correct. He stated that through this process, he's learned a lot, including the inner workings of everything that comes through.

Councilman Walton noted that our staff says we're on target, and the LGC says we're doing the right things, but the newspaper says that the Treasurer is not optimistic that we can fix it. "We're not talking from the same microphone or something. We can't be doing it right and doing it wrong at the same time. I think we need to coordinate better on what's going on." He asked if the LGC is telling (State Treasurer) Mr. Falwell what's going on. Ms. McCullen said they meet with him regularly and keep him updated. Councilman Walton said it doesn't make us look good when it's put out one way and then portrayed a different way a different day.

Manager Freeman pointed out that the whole directive to the team is to take the moment to learn. Our City has never been in this position before. We will continue to do what's necessary to make sure we get through this. He was thankful to the LGC support team for instilling confidence in the staff and helping them identify options and resources. They will continue to do the work in terms of what they can control. He noted that no manager wants to present a flat budget, but if that's what we have to do, we will. He mentioned that he wants to start with the board retreat visioning soon.

e. Discussion – Find and Fix Action Plan;

Director Bell advised that they are trying to narrow down where our issues are with flow testing, cameras, etc., which will give us exact locations rather than having us tear up everything. The total cost is \$709,000 to do the entire find and fix it and the engineering alternatives analysis. Mayor Rivers noted that one of the things about a find and fix it hopefully puts us on a narrow path for where the problems are and helps us identify some true costs. We're able to put real numbers down. Manager Freeman agreed that it will allow us to make evidence-based decisions. The project will take most of the calendar year to complete. The cameras and smoke tests are step one. While that's happening, we can engage Jon Hawley to help us find grants to pay for other parts. It helps us to get to a clean, direct area of where we need to spend our tax dollars.

Councilman Biggs said he appreciated this item coming forward. He noted that we've hired a lobbyist to help us find money and bring it back. One of the big things is we have to show where we want the money to go. As quickly as they can get data back to us that's usable, we need to get it to Raleigh so we can make our case. It's one thing to ask for money, but it's another thing to ask for money and say specifically where it's going and what it's going to fix. He said he liked the plan they'd come up with and he was all for this project. Councilman Peel concurred with his statements.

Motion was made by Councilman Joseph Peel, seconded by Mayor Pro Tem Kem Spence to approve the Engineering Alternatives Analysis, and conduct Main and Pearl Street surveys, permitting, testing and repairs totaling \$709,000.

Councilman Walton asked once we find the problems, then what? Could the money needs really jump up at that point? Manager Freeman said they could, but we'll know exactly what the problems are. Councilman Walton noted the pressure from one part could break at another, so we need to think about that. Director Bell stated that is a problem with old infrastructure, but hopefully that won't happen in our case. Councilman Walton asked if there was anywhere else we could get the funds from other than ARPA? Manager Freeman replied there were no other funding sources that he was aware of.

Mayor Rivers asked what is our sewer capacity? Director Bell replied it was 4.5 million. Mayor Rivers asked if that could that help us get a plan? Director Bell said they're estimating we'll get some back and the flow monitoring will let us know what we're going to get back. Mayor Rivers asked if we could probably go from a 4.5 to 6 million? Director Bell agreed that yes, potentially

we could. With this plan in place, it will allow us to talk with the state to see if we can up that. Mayor Rivers noted that this is crucial for development coming here, so we need to try to get all the capacity that we can and we also want to lower our I&I.

Councilwoman Baxter asked if we are tweaking the capital improvement projects we got back in September? Director Bell said that the item was on the plan, but it's more than just what's listed there. Main and Pearl Streets are the largest two basins that go to those particular pump stations. These are the biggest options to get the most back. Councilman Walton said his only issue was that if we find it, we need to make sure we fix it.

Councilman Biggs noted that doing a study like this is required to get a lot of grant funding. This is required to get money to potentially fix things.

Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Baxter and Walton. Against. None. Motion carried.

f. Consideration – 2023 PARTF Application / Retaining Consultant;

Grants Administrator Jon Hawley advised that he's approaching the Council at the front-end of this process because they wanted to know if they had support and there may be significant budget implications. Also community public support would be important for this particular grant down the line. The PARTF grant is one of the best grants for Parks and Rec, which can fund up to \$500,000 for Parks and Rec facilities each year. The potential challenge is that it's a dollar-for-dollar matching grant. He can't promise cross-matching grants yet because he doesn't know enough about the project to align it with a matching grant. If the city is willing and able to factor a local match into the upcoming budget cycle, they could move forward. At this time, he needs to know if this is something that's a priority in the coming year, and if so, which park? He stated that Director Clark feels like Enfield Park would be a strong contender as it's in an excellent location, has a number of popular facilities and has open space that is a blank slate to be worked with. Updating and possibly relocating the playground, working in a walking trail, redoing the courts could be viable items. The first question is if we do want to go for a PARTF, do we want to go for one for Enfield? Then, we'd need a consultant for a master plan. There are a number of technical things that need to be analyzed. Until you drill down, you don't necessarily have anything to work with. The firm to be considered is Benesch. The potential action item for this evening is retaining Benesch so they can begin the work to get a master plan together over the next several months. The grant is due May 1st.

Councilman Peel said although he's usually all for Parks and Rec, he's got some other major concerns right now. "The last we heard, we are down a critical amount of police officers. I would not do this this year, because any money we have, I think we need to fix the issues with the police department. If we don't have a safe community, we don't have a community."

Councilman Spence asked if we can table this? Mr. Hawley said the only true action item tonight would be retaining the consultant to start coming up with a plan. If there's a not an appetite from the Council to potentially budget a local match at this time, then the study is not the highest priority right now. There are better uses for the funds if this is not where the Council wants to go.

Mayor Rivers noted that the consultant fee is \$26,000. He asked budget-wise, you're thinking that it could maybe be found in the current Parks and Rec budget? Director Clark said yes, they have the funding. But if you don't feel comfortable with that matching piece, there's no need to spend that to go forward.

Councilman Walton noted the last plan was not that far back for Enfield. Director Clark explained that was some rendering, but not an actual master plan. This would have us spending the exact dollars that we need. Councilman Walton said if you could show us the older study and then show us what you might do or might not do, that might give us a little better idea. Mr. Hawley stated that the study would look at what the overall Parks and Rec Department needs, as well as Enfield, and then engage the citizens in public meetings. The ultimate plan would then come back to Council. Councilman Walton said he liked some of the things they had on the rendering.

Mayor Rivers said, “I know our PD is number one, but I ran on saying I was going to make sure we provided for our youth. Those children play in our parks, the skate park, the basketball courts are packed. Enfield Park is busy and we as a city need to make sure that we need to have a great park system so we have family-oriented things. We need a plan in place so we can start applying for grants down the road, so I do think we need a master plan. We need to make Enfield Park our premiere park. People come there from everywhere. I understand finances, but I want the youth to know that we do care about them and we’re looking out for them too. “

Councilman Biggs said he wants to turn Enfield Park into a facility where we can recruit softball leagues and out-of-town teams, which would be tourism dollars. He said he was in favor of the item, but concerned that we may have other immediate needs for that \$26,000 right now, considering the gym and rising costs of other things. Maybe next year’s budget cycle when we have a better picture of where we are financially. He was not willing to commit funds for something we’re not ready to say we have money to go after a grant match right now.

Mr. Hawley said if we’re not immediately pursuing the PARTF, there may be better places to spend the \$26,000 within Parks and Rec. The master plan would be good for five years in terms of qualifying for the max number of points for the application, although there may need to be some follow-ups just for costs. Councilman Walton said he didn’t think we needed to rush something right now.

Councilman Gibbs stated that it sounds like there’s a general consensus that the park should be enhanced, but the only money that’s been found is “down payment” money. It’s too uncertain about how much we might have to come up with right now, but I think the Council agrees we should do it at some point but it’s not a priority now. If we get approved, where’s the money going to come from? We need matching funds and we’d have to find out where they were coming from and we’re too financially uncertain as far as where we are. I think everyone is in favor of doing better things for our citizens, but it’s just not high on the list right now.

Mayor Rivers requested Director Clark set up a city-wide meeting with Parks and Rec to hear from citizens about interests they have in different activities for some time in January or February.

Manager Freeman said before we moved forward, they’d left off one item from the Finance discussion, which was the budget amendment process. A training will be provided for the directors so they can fill out their budget amendments electronically, which may be very important as we may be experiencing a flat budget.

Mayor Rivers asked if they were satisfied with the form? He said as long as both the manager and Finance Director were both satisfied, the Council was fine with it.

Motion was made by Councilman Johnnie Walton, seconded by Councilman Johnson Biggs to approve the new budget amendment form/process. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Baxter and Walton, Against: None. Motion carried.

g. Consideration – Grace Drive;

Motion made by Mayor Pro Tem Kem Spence, seconded by Councilman Jarvis Gibbs to approve the state’s Offer and Acceptance Documents, including the attached resolution and other supporting documents, and authorize execution of same, for the Grace Drive Project; Authorize execution of the Engineering Services Agreement by the Timmons Group for the Grace Drive Project, contingent on the availability of state funds, and authorize submission of all necessary documents to satisfy DEQ’s requirements to accelerate release of preconstruction expenses; and approve the proposed Capital Project Ordinance and Budget Amendment, for accounting purposes. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Baxter and Walton. Against: None. Motion carried.

**RESOLUTION #2022-12-03
OF THE CITY COUNCIL OF THE CITY OF ELIZABETH CITY**

WHEREAS, the City of Elizabeth City has received an earmark for the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund established in SL 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered ARP funding in the amount of \$3,600,000 to perform work detailed in the submitted application, and

WHEREAS, the City of Elizabeth City intends to perform said project in accordance with agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH CITY,

That the City of Elizabeth City does hereby accept the American Rescue Plan grant offer of \$3,600,000.

That the City of Elizabeth City does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That E. Kirk Rivers, Mayor, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate state agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this 12th day of December, 2022, at 306 E. Colonial Ave., Elizabeth City, NC.

E. Kirk Rivers, Mayor

April D. Onley, City Clerk and Recording Officer

6. Closed Session – As Allowed by NCGS 143-318-11(a)(6) Personnel and NCGS 143-318-11(a)(5) Land Acquisition (As Added During Agenda Adjustments);

Motion to enter closed session was made by Mayor Pro Tem Kem Spence, seconded by Councilman Joseph Peel at 9:20 p.m. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Baxter and Walton. Against: None. Motion carried.

7. Adjournment:

The Council returned to open session at 10:52 p.m.

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilwoman Rose Whitehurst to enter into a contract with Innovative Investments to act as company to serve as Interim Community Development contingent on approval of said contract by the City's attorney. Those voting in favor of the motion were: Biggs, Peel, Gibbs, Whitehurst, Spence, Baxter and Walton, Against: None. Motion carried.

Having no other business to discuss, Mayor Rivers declared the meeting adjourned at 10:54 p.m.

E. Kirk Rivers
Mayor

April Onley, NCCMC
City Clerk

DRAFT

